

# NORTHERN TERRITORY OF AUSTRALIA

## AGENTS LICENSING REGULATIONS 1979

As in force at 25 May 2022

### Table of provisions

<b>Part I</b>	<b>Preliminary</b>	
1	Citation .....	1
2	Commencement .....	1
3	Definitions.....	1
<b>Part II</b>	<b>Licensing and registration</b>	
<b>Division 2</b>	<b>Application for licence or registration</b>	
6	Application for licence.....	2
8	Application for registration .....	3
<b>Part III</b>	<b>Audit of accounting records relating to trusts moneys</b>	
13	First audit.....	4
14	Audit where agent ceases to carry on business .....	4
15	Disclosure of information by auditor .....	5
16	Exemption from audit requirements.....	6
16A	Exemption for trust money of corporation manager.....	6
<b>Part IIIA</b>	<b>Indemnity insurance</b>	
16B	Exemption from requirement to hold indemnity insurance – section 108B.....	6
<b>Part IV</b>	<b>Miscellaneous</b>	
17	Testimonials .....	6
17A	Evidence of identity .....	7
18	Responsibility where licensed agent a company or firm .....	8
19	Disclosure of information by Board.....	8
20	Prescribed particulars for registers of agents – section 109 .....	9
21	Prescribed particulars for Register of Agents' Representatives – section 109 .....	9
22	Notification of change in particulars.....	10
22A	Regulatory offences.....	11
23	Prescribed fees.....	11
24A	Persons and organisations to be consulted regarding proposed rules of conduct .....	11

---

25	Rules of conduct.....	12
----	-----------------------	----

**Part V                    Infringement notices**

26	Service of infringement notice for infringement offence.....	12
27	Contents of infringement notice.....	12
28	Payment by cheque.....	13
29	Withdrawal of infringement notice.....	13
30	Application of Part.....	13

**Schedule 2            Prescribed fees**

**Schedule 3            Scheme relating to trust money of  
corporation manager or body corporate  
manager**

**Schedule 4            Rules of conduct**

**Schedule 8            Infringement offences and prescribed  
amounts**

**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 25 May 2022

---

## AGENTS LICENSING REGULATIONS 1979

### Regulations under the *Agents Licensing Act 1979*

#### Part I Preliminary

##### 1 Citation

These Regulations may be cited as the *Agents Licensing Regulations 1979*.

##### 2 Commencement

These Regulations shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

##### 3 Definitions

In these Regulations:

***infringement notice***, see regulation 26.

***infringement offence*** means an offence against a provision of the Act or these Regulations specified in Schedule 8, column 1.

***licence*** includes a provisional licence.

***name***, of a licensed agent, means:

- (a) if the licensed agent is an individual – the individual's name; or
- (b) if the licensed agent is a firm – the firm name; or
- (c) if the licensed agent is a company – the company name.

***office address***, for a licensed agent, means:

- (a) if the licensed agent conducts business from one registered office – the address of the registered office; or
- (b) if the licensed agent conducts business from more than one office – the address of the principal office.

**partner** means a member of a firm.

**prescribed amount**, for an infringement offence, means the amount specified in Schedule 8, column 2 opposite the offence provision.

**registered business name** means a name registered under the *Business Names Registration Act 2011* (Cth).

**registered training organisation**, see section 4 of the *Training and Skills Development Act 2016*.

## **Part II            Licensing and registration**

### **Division 2        Application for licence or registration**

#### **6                  Application for licence**

An application for a licence to carry on business as a real estate agent or business agent, or both, or as a conveyancing agent must be accompanied by the following documents:

- (a) for an application by an individual:
  - (i) a testimonial in accordance with regulation 17 for the individual; and
  - (ii) a document evidencing the identity of the individual in accordance with regulation 17A; and
  - (iii) a national police certificate for the individual;
- (b) for an application by a company:
  - (i) a testimonial in accordance with regulation 17 for each director of the company (other than a director who is a licensed agent or a registered agent's representative); and
  - (ii) a document evidencing the identity of each director mentioned in subparagraph (i) in accordance with regulation 17A; and
  - (iii) a national police certificate for each director mentioned in subparagraph (i);

- (c) for an application by a firm:
  - (i) a testimonial in accordance with regulation 17 for each partner of the firm (other than a partner who is a licensed agent or a registered agent's representative); and
  - (ii) a document evidencing the identity of each partner mentioned in subparagraph (i) in accordance with regulation 17A; and
  - (iii) a national police certificate for each partner mentioned in subparagraph (i);
- (d) a statutory declaration verifying all the statements contained in the application and in accompanying documents that is made by:
  - (i) if paragraph (a) applies – the individual making the application; or
  - (ii) if paragraph (b) applies – a director of the company making the application; or
  - (iii) if paragraph (c) applies – a partner of the firm making the application.

## **8            Application for registration**

An application for registration as an agent's representative must:

- (a) be lodged with the Registrar; and
- (b) be accompanied by the following documents:
  - (i) a testimonial in accordance with regulation 17 for the applicant;
  - (ii) a document evidencing the identity of the applicant in accordance with regulation 17A;
  - (iii) a national police certificate for the applicant;
  - (iv) a statutory declaration made by the applicant verifying all the statements contained in the application and accompanying documents.

## **Part III                    Audit of accounting records relating to trusts moneys**

### **13                    First audit**

Subject to regulation 14, where a person commences to carry on business as a licensed agent during the 3 months immediately preceding 30 June in any year, unless the Board otherwise directs, a reference to the ***prescribed period*** in Division 3 of Part V of the Act shall, for the purposes of the first audit of the licensed agent's accounting records relating to trust moneys, be read as a reference to the period commencing on the date when the licensed agent commenced to carry on business as a licensed agent and ending on 30 June in the next following year.

### **14                    Audit where agent ceases to carry on business**

- (1) Where a person ceases to carry on business as a licensed agent he or she shall, within 2 months after the date that he or she so ceases, cause to be audited his or her accounting records relating to trust moneys received and paid by him or her during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date when the person commenced to carry on business as a licensed agent, and ending on the date when he or she ceased to carry on such business.
- (2) Where a person:
  - (a) who carries on business as a licensed agent; or
  - (b) who is required, pursuant to subregulation (1), to cause to be audited his or her accounting records relating to trust moneys but has not caused those accounting records to be audited,dies, his or her personal representative shall, within 2 months after his or her death, cause to be audited that person's accounting records relating to trust moneys received and paid by him or her during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date on which he or she commenced to carry on business as a licensed agent, and ending on the date when he or she died or ceased to carry on business as a licensed agent.
- (3) The provisions of Division 3 of Part V of the Act, with such alterations or additions as the circumstances may require, apply to and in relation to an audit conducted in pursuance of this regulation.

- (4) This regulation does not apply to or in relation to a person who was a licensed agent and who:
- (a) was a branch manager, employee or director of a company that is a licensed agent; or
  - (b) was a branch manager, employee or partner of a firm that is a licensed agent;
- where the company or firm has continued to carry on business as a licensed agent after the person ceased to carry on business as a licensed agent or died.
- (5) Also, this regulation does not apply to a person if:
- (a) the person's business as a licensed agent is taken over by another person; and
  - (b) that other person, in complying with Part V, Division 3 of the Act, has an audit of the business accounting records conducted for the period to which this regulation would otherwise apply.
- (6) In this regulation, a reference to ceasing to carry on business as a licensed agent extends to ceasing to carry on a part of the business of a licensed agent.

## **15 Disclosure of information by auditor**

- (1) Subject to this regulation, an auditor shall not disclose or give to any other person any information obtained in conducting an audit in pursuance of the Act or these Regulations.

Maximum penalty: 100 penalty units

- (2) Subregulation (1) does not apply to or in relation to any information disclosed:
- (a) by means of any report made pursuant to the Act or these Regulations;
  - (b) in or for the purpose of any legal proceedings arising out of such a report or instituted in connection with a trust account of the licensed agent to whom the information relates;
  - (c) to the Board or a member of the Board; or
  - (d) with the consent of the person to whom the information relates.

**16 Exemption from audit requirements**

- (1) Where, during any period in respect of which a licensed agent is required by a provision of the Act or these Regulations to cause to be audited his or her accounting records relating to trust moneys received and paid by him or her during that period, that provision does not apply to the licensed agent if he or she did not, at any time during the period, receive or hold any trust moneys and the licensed agent, within 2 months after the end of that period makes and delivers to the Board a statutory declaration to that effect.
- (2) For the purposes of subregulation (1), **licensed agent** includes the personal representative of a licensed agent.

**16A Exemption for trust money of corporation manager**

For the purposes of the exemption afforded by section 5B of the Act, the scheme set out in Schedule 3 is a prescribed scheme.

**Part IIIA Indemnity insurance****16B Exemption from requirement to hold indemnity insurance – section 108B**

An agent who is an employee of another agent is, for as long as that employment continues, exempt from the requirement to be insured under section 108B(2) of the Act.

**Part IV Miscellaneous****17 Testimonials**

- (1) For the purposes of these Regulations, a testimonial is to be in the form approved by the Board and shall be signed by a person:
  - (a) who has known the person to whom the testimonial relates for a period of not less than 12 months; and
  - (b) who is not a relation of that second-mentioned person; and
  - (c) who is any of the following:
    - (i) a person authorised under the *Oaths, Affidavits and Declarations Act 2010* to administer an oath for any purpose;
    - (ii) a justice of the peace;



- 
- (iii) a commissioner for declarations appointed by the Attorney-General of the Commonwealth under the *Statutory Declaration Act 1959* of the Commonwealth;
  - (iv) a legal practitioner;
  - (v) a member of the Northern Territory Police Force;
  - (vi) a bank manager;
  - (vii) a Supreme Court Judge or Local Court Judge;
  - (ix) a notary public;
  - (x) a registrar as defined in section 3 of the *Local Court Act 2015*;
  - (xi) an Associate Judge;
  - (xii) a commissioner for taking affidavits, oaths or declarations in the Supreme Court of a State or Territory;
  - (xiii) a licensed agent;
  - (xiv) a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student);
  - (xv) a person registered as a teacher under the *Teachers Registration (Northern Territory) Act 2004*;
  - (xvi) a person who holds an office, appointment or authority in a State or Territory equivalent to any of those specified in subparagraphs (i) to (xv).
- (2) For the purposes of subregulation (1), **relation** means:
- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece or adopted child of that person or of a spouse or de facto partner of that person; or
  - (b) a spouse or de facto partner of that person or of any other person specified in paragraph (a).

## **17A Evidence of identity**

For these Regulations, a document evidencing a person's identity is any of the following:

- (a) an Australian or overseas passport of the person which is current or expired within 2 years before the date of application;

- (b) an Australian photographic driver's licence of the person which is current or expired within 2 years before the date of application;
- (c) other documentation the Board considers to be satisfactory evidence of the person's identity.

## **18 Responsibility where licensed agent a company or firm**

A provision of Part V or XII of the Act or these Regulations that requires a licensed agent to do, or to refrain from doing, an act or to carry out an obligation shall, in the case of a licensed agent which is a company or firm, be read as imposing jointly and severally on:

- (a) in the case of a company which is a licensed agent – a licensed agent who is a branch manager, employee or director of the company; or
- (b) in the case of a firm which is a licensed agent – a licensed agent who is a branch manager, employee or partner of the firm;

a like requirement to do, or to refrain from doing, the act or to carry out the obligation, as the case may be, in relation to the business of the licensed agent.

## **19 Disclosure of information by Board**

- (1) On request by any person, the Board, if it is satisfied that:
  - (a) the person has a sufficient interest in any moneys or securities; and
  - (b) the moneys or securities are held or ought to be held or have been received by an agent,

may disclose to the person such portion of any report of an auditor, or any statutory declaration, statement or other document delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations as affects or may affect the person.

- (2) The Board may, if it thinks fit, permit an auditor engaged by a licensed agent to inspect and make copies of statutory declarations, statements or other documents delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations.

**20 Prescribed particulars for registers of agents – section 109**

The following are prescribed particulars about a licensed agent for recording in the Register of Licensed Real Estate Agents, the Register of Licensed Business Agents or the Register of Conveyancing Agents:

- (a) the date on which the agent's licence was granted or last renewed;
- (b) if the name of the licensed agent is not the name under which the licensed agent carries on business as an agent – the name under which the licensed agent carries on business;
- (c) the contact address of the licensed agent;
- (d) if the licensed agent is a company or firm – the name of each business manager of the company or firm;
- (e) if the licensed agent is a company – the name of each director of the company;
- (f) if the licensed agent is a firm – the name of each partner of the firm.

**21 Prescribed particulars for Register of Agents' Representatives – section 109**

The following are prescribed particulars about a registered agent's representative for recording in the Register of Agents' Representatives:

- (a) the date on which the certificate of registration of the agent's representative was issued;
- (b) the contact address of the registered agent's representative;
- (c) the following details about the licensed agent by whom the registered agent's representative is employed:
  - (i) the name of the licensed agent;
  - (ii) if the name of the licensed agent is not the name under which the licensed agent carries on business as an agent – the name under which the licensed agent carries on business;
  - (iii) the office address of the licensed agent.

**22 Notification of change in particulars**

(1) If either of the following events happen in relation to a licensed agent, the licensed agent must give written notice about the event to the Registrar within the 14 days after the event happens:

- (a) the name of the licensed agent changes;
- (b) a change occurs in any of the prescribed particulars mentioned in regulation 20(b), (c), (e) or (f).

Maximum penalty: 10 penalty units.

(2) If either of the following events happen in relation to a registered agent's representative, the registered agent's representative must give written notice about the event to the Registrar within the 14 days after the event happens:

- (a) the registered agent's representative's name changes;
- (b) a change occurs in any of the prescribed particulars mentioned in regulation 21(b) or (c).

Maximum penalty: 10 penalty units.

(3) A notification of a change of name under this regulation must be accompanied by evidence of the change of name in accordance with subregulation (4).

(4) Evidence of a change of name is:

- (a) for a change of an individual's name:
  - (i) for a change of name as a result of marriage – a marriage certificate issued by the Registrar of Births, Deaths and Marriages showing the new name; or
  - (ii) in any other case – a certificate of change of name issued by the Registrar of Births, Deaths and Marriages; or
  - (iii) other documentation the Board considers to be satisfactory evidence of the change of name; or
- (b) for a change of a company name – a certificate of registration issued by ASIC showing the new name; or

- (c) for a change of a registered business name – a copy of an entry in the Business Names Register provided by ASIC under section 60 of the *Business Names Registration Act 2011* (Cth) showing the new name; or
  - (d) in any other case – documentation the Board considers to be satisfactory evidence of the change of name.
- (5) If a notification under subregulation (1)(b) relates to a new director of a company, the notification must be accompanied by the documents specified in regulation 6(b) for the director.
- (6) If a notification under subregulation (1)(b) relates to a new partner of a firm, the notification must be accompanied by the documents specified in regulation 6(c) for the partner.
- (7) Subregulations (5) and (6) do not apply if the director or partner is a licensed agent or registered agent's representative.

#### **22A Regulatory offences**

An offence of contravening or failing to comply with regulation 15 or 22 is a regulatory offence.

#### **23 Prescribed fees**

The fees set out in Schedule 2 are prescribed fees for the purposes of the Act.

#### **24A Persons and organisations to be consulted regarding proposed rules of conduct**

The following persons and organisations are prescribed for section 64A(1)(a) of the Act:

- (a) the Australian Competition and Consumer Commission established under the *Competition and Consumer Act 2010* (Cth);
- (b) the Australian Securities and Investments Commission continued in existence by the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;
- (d) the Law Society Northern Territory established by the *Legal Profession Act 2006*;
- (e) the Australian Institute of Conveyancers;
- (f) Chamber of Commerce Northern Territory.

**25 Rules of conduct**

For section 127(1)(j) of the Act:

- (a) the rules of conduct for all agents are as set out in Schedule 4, Part 1; and
- (b) additional rules of conduct for conveyancing agents are as set out in Schedule 4, Part 2.

**Part V Infringement notices****26 Service of infringement notice for infringement offence**

If an inspector reasonably believes a person has committed an infringement offence, the inspector may serve a notice (an ***infringement notice***) on the person.

**27 Contents of infringement notice**

- (1) The infringement notice must state the following particulars:
  - (a) the name and address of the alleged offender, if known;
  - (b) the date of the infringement notice;
  - (c) the date, time and place of the infringement offence;
  - (d) a description of the infringement offence and the prescribed amount payable for the offence;
  - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
  - (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
  - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;

- (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the Fines and Penalties (*Recovery*) Act 2001 including (but not limited to) action for the following:
  - (i) suspension of the alleged offender's licence to drive;
  - (ii) seizure of personal property of the alleged offender;
  - (iii) deduction of an amount from the alleged offender's wages or salary;
  - (iv) registration of a statutory charge on land owned by the alleged offender;
  - (v) making of a community work order for the alleged offender which may result in imprisonment for the alleged offender if the alleged offender breaches the order.
- (3) Also, the infringement notice must include the statement of election mentioned in subregulation (2)(b).

## **28 Payment by cheque**

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

## **29 Withdrawal of infringement notice**

- (1) The Registrar may withdraw the infringement notice by written notice served on the alleged offender.
- (2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

## **30 Application of Part**

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence unless the offence is expiated.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.

- (3) In addition, this Part does not:
- (a) require an infringement notice to be served; and
  - (b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.



## Schedule 2 Prescribed fees

regulation 23

---

1 Section 5A of the Act – application to the Board for exemption from provisions of Act (other than as part of grant of restricted licence or certificate) – 230 revenue units.

---

2 Section 26(ab) or 27(ab) of the Act – application for the grant of one of the following:

- (a) provisional real estate agent's licence;
- (b) provisional business agent's licence;
- (c) real estate agent's licence;
- (d) business agent's licence.

Licence period of 1 year – 619 revenue units.

Licence period of 3 years – 1 671 revenue units.

Licence period of 5 years – 2 785 revenue units.

---

3 Section 26(ab) or 27(ab) of the Act – application for the grant of one of the following:

- (a) restricted real estate agent's licence;
- (b) restricted business agent's licence.

Licence period of 1 year – 620 revenue units.

Licence period of 3 years – 1 674 revenue units.

Licence period of 5 years – 2 790 revenue units.

---

4 Section 26(ab) or 27(ab) of the Act – application for the grant of one of the following:

- (a) conveyancing agent's licence;
- (b) both provisional real estate agent's licence and provisional business agent's licence;
- (c) both real estate agent's licence and business agent's licence;
- (d) both restricted real estate agent's licence and restricted business agent's licence.

Licence period of 1 year – 715 revenue units.

Licence period of 3 years – 1 930 revenue units.

Licence period of 5 years – 3 217 revenue units.

---

5 Section 32(2)(d) of the Act – application for renewal of one of the following:

(a) provisional real estate agent's licence;

(b) provisional business agent's licence;

(c) real estate agent's licence;

(d) business agent's licence.

Licence period of 1 year – 619 revenue units.

Licence period of 3 years – 1 671 revenue units.

Licence period of 5 years – 2 785 revenue units.

---

6 Section 32(2)(d) of the Act – application for renewal of one of the following:

(a) restricted real estate agent's licence;

(b) restricted business agent's licence.

Licence period of 1 year – 620 revenue units.

Licence period of 3 years – 1 674 revenue units.

Licence period of 5 years – 2 790 revenue units.

---

7 Section 32(2)(d) of the Act – application for renewal of one of the following:

(a) conveyancing agent's licence;

(b) both provisional real estate agent's licence and provisional business agent's licence;

(c) both real estate agent's licence and business agent's licence;

(d) both restricted real estate agent's licence and restricted business agent's licence.

Licence period of 1 year – 715 revenue units.

Licence period of 3 years – 1 930 revenue units.

Licence period of 5 years – 3 217 revenue units.

---

- 8 Section 41(1) of the Act – registration as an agent's representative and issue of certificate of registration:
- (a) restricted registration – 135 revenue units or 1/12th of that amount for each whole month for which the certificate is issued for the period between the date of registration and the date on which the annual fee is payable; or
  - (b) registration (unrestricted) – 153 revenue units or 1/12th of that amount for each whole month for which the certificate is issued for the period between the date of registration and the date on which the annual fee is payable.
- 

- 9 Section 43A of the Act – annual fee for registered agent's representative:
- (a) restricted registration – 135 revenue units; or
  - (b) registration (unrestricted) – 153 revenue units.
- 

- 10 Section 81(7) of the Act – copy of transcript of evidence at an inquiry held by the Board:
- (a) \$8 per page; or
  - (b) 34 revenue units per disk.
-

### **Schedule 3 Scheme relating to trust money of corporation manager or body corporate manager**

regulation 16A

1. In this Schedule:

**body corporate** means:

- (a) a corporation under the *Unit Titles Act 1975*; or
- (b) a body corporate under the *Unit Title Schemes Act 2009*.

**body corporate manager** means:

- (a) a corporation manager under the *Unit Titles Act 1975*; or
- (b) a body corporate manager under the *Unit Title Schemes Act 2009*.

2. Notwithstanding section 50 of the Act, section 35(1) of the *Unit Titles Act 1975* or the management module under the *Unit Title Schemes Act 2009*, a body corporate manager may open an account at an ADI in the Territory for the purpose of dealing with trust money received in respect of each corporation that has agreed that its money can be dealt with under Scheme 1 or Scheme 2.

#### SCHEME 1

3. An account opened pursuant to Scheme 1:

- (a) shall only contain money of corporations;
- (b) shall be operated so that, on any one day, a notional credit or deficit for each corporation may be readily ascertained;
- (c) shall be operated so that, in respect of each corporation, the crediting or paying of interest in accordance with the instructions of the corporation can be readily checked by the Board; and
- (d) shall be operated under a name approved by the Board.

4. An account opened pursuant to Scheme 1 shall first be audited one month after it is opened and then at intervals of not more than 6 months or such longer periods as may be authorized by the Board.

5. Surplus money in an account opened pursuant to Scheme 1 may be invested in such manner as trust funds may be invested under the *Trustee Act 1893*.

## SCHEME 2

6. An account opened pursuant to Scheme 2 shall be operated so that on any one day, a notional credit for each corporation may be readily ascertained.

7. Interest from an account opened pursuant to Scheme 2 shall be paid to the Fund.

## **Schedule 4 Rules of conduct**

regulation 25

### Part 1 – General Rules

1. An agent must not advise the agent's client on matters in which the agent is not trained or qualified.
2. An agent must advise the agent's client to seek advice from a solicitor who specialises in conveyancing concerning the appropriate course of action where, in a transaction, there are substantial legal complexities.
3. An agent must not give an undertaking without the approval of the agent's client and must fulfil all conditions of an undertaking given in the course of a transaction to another agent or to a solicitor.
4. An agent must, in the investigation of a matter that may be grounds for revocation of a licence under section 68 of the Act or that may be the subject of an inquiry to be held by the Board, co-operate with the Board, the Registrar, an inspector and the Commissioner of Police.
5. Subject to any other specific rules of conduct, a real estate or business agent must have due regard to and comply with:
  - (a) rules of real estate practice published or approved by the Real Estate Institute of the Northern Territory; and
  - (b) guidelines concerning fair trading practices issued by the Trade Practices Commission.
6. In a transaction for the purchase and sale of land, an agent must not act in the capacity of conveyancer for the buyer of the land, whether or not for reward, if:
  - (a) the agent acted for the seller of the land in the capacity of a real estate agent; or
  - (b) the agent has a financial connection with the real estate agent involved in the transaction.
7. An agent must ensure that the agent has a thorough knowledge of the practices and procedures of government offices relevant to transactions in which the agent may be involved with a client, in addition to a knowledge of the Act, the regulations, these rules and other relevant legislation as in force from time to time.
8. An agent must not breach any provision of the Act or the regulations.

9. An agent must not, except where required to do so under a law of the Territory, use any material or information acquired by the agent in the course of acting for a client in a manner that is prejudicial to the interests of the client without the client's consent.

10. An agent must perform the agent's duties to a client and carry out the lawful instructions of the client.

11. An agent must exercise due skill, care and diligence in carrying out the agent's duties on behalf of a client.

12. An agent must exercise due skill, care and diligence when dealing with any person in the course of conducting business as an agent.

*Example for rule 12*

*An agent acting for a vendor must deal with potential purchasers with due skill, care and diligence.*

13. An agent who has an interest in, or is likely to obtain an interest in, a transaction entered into on behalf of a client, must disclose the exact nature of the interest to the client.

14. An agent must disclose to a client all material facts and circumstances of everything known to the agent regarding the matter in respect of which the agent is authorised to act as the client's agent.

15. If an agent is of the opinion that a price or other consideration that the client is prepared to accept on the sale of a property may be less than the fair market value of the property, the agent must inform the client of that opinion.

16. An agent must not, except where required to do so under a law of the Territory, disclose without the client's consent, any information related to the affairs of a client obtained by the agent while acting as the client's agent.

17. An agent must not publish an advertisement or other statement that the agent is authorised to sell, or otherwise deal with property without the written authorisation of the owner of the property.

18. An agent must not publish an advertisement or other statement that the agent is authorised to sell property at a price that is higher or lower than the price the client has authorised in writing.

19. An agent must not publish an advertisement or other statement that is false, misleading or likely to deceive a person.

20. An agent must not accept or demand a fee or other payment from a person other than the agent's client in respect of a service performed or to be performed by the agent for a client, being a service in respect of which the agent has received or is entitled to receive payment from the client.

## Part 2 – Additional Rules applicable to Conveyancing Agents

1. A conveyancing agent shall strictly observe promises and duties in relation to the interest of his or her client and shall be aware that the agent's obligation to his or her client is one of the utmost good faith that requires the agent not to put his or her duty to the client in conflict or in likelihood of conflict with his or her own interests or the interests of any other person.
2. A conveyancing agent shall perform his or her duties in a diligent and conscientious manner with proper regard to the relationship of principal and agent due to his or her client.
3. A conveyancing agent may advertise his or her professional qualifications and services but shall not compete for business with another agent or solicitor so that the client may become liable for 2 fees in respect of the same matter.
4. Subject to any other specific rules of conduct, a conveyancing agent shall have due regard to and comply with:
  - (a) guidelines as to good conveyancing practices issued from time to time by the Board;
  - (b) professional conduct rules as they relate to good conveyancing practice issued by the Law Society Northern Territory.
5. A conveyancing agent shall not carry on a business of a finance broker, being a person who, as agent and in the course of the agent's business, negotiates or arranges a loan of money for or on behalf of another person.
6. A conveyancing agent shall, at the same time as the agent presents to the client a form of appointment for signature in accordance with clause 1(1) of Part 2 of the Schedule to the Act, provide a bona fide quote of the cost of the services to be rendered in respect of the particular transaction for which the appointment is to be made. The amount of the cost shall be based on a fair and reasonable fee for the service at the prevailing rate in the Territory.
7. A conveyancing agent shall ensure that the agent, or a partner or employee of a firm of which the agent is a member does not act for 2 or more parties with conflicting interests in a transaction unless the agent has given notice in writing to all parties to a transaction that the agent is acting for more than one party and that their interests may not be the same. Where a conflict arises between the parties for whom the agent is acting, the agent has an obligation to cease to act for either of them and shall give advice that the parties obtain alternative advice. The agent is entitled to charge a proportional fee until the time when he or she ceased to act for the parties.



8. A conveyancing agent shall, in the interest of a client, co-operate with and, where possible, assist, other persons involved in a transaction. In this rule:

**assist** includes reporting progress under item 1(a) in Part 1 of the Schedule to the Act and advising the parties and other persons involved of delays or requirements that are incidental to the functions of a conveyancing agent set out in that Part.

**other persons involved in a transaction** includes surveyors and engineers, real estate agents, government officers, solicitors, financial advisers and other conveyancing agents.

9. A conveyancing agent shall be responsible for the supervision and control of the persons, whether or not licensed conveyancing agents, engaged in the conduct of the agent's business and for that purpose:

- (a) where the licensee of the business is a natural person – the conveyancing agent; or
- (b) where the licensee of the business is a firm or a body corporate – the principals or the directors who are conveyancing agents,

shall spend sufficient time at the office where the business is transacted:

- (c) to enable supervision of a person conducting the business; and
- (d) to ensure satisfactory completion of each transaction.

---

**Schedule 8      Infringement offences and prescribed amounts**

regulation 3, definitions ***infringement offence*** and ***prescribed amount***

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence provision</b>	<b>Prescribed amount</b>
<b>Part A – Offences against Act</b>	
Sections 47, 48, 51, 56, 119, 120 and 125	1 penalty unit
Sections 65E(5) and 121A	2 penalty units
<b>Part B – Offences against Regulations</b>	
Regulation 22	1 penalty unit

---

---

**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Land and Business Agents Regulations (SL No. 29, 1979)***

Notified	2 November 1979
Commenced	9 November 1979 ( <i>Gaz G45</i> , 9 November 1979, p 2)

***Amendment of the Land and Business Agents Regulations (SL No. 25, 1980)***

Notified	11 July 1980
Commenced	11 July 1980

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

***Amendment of the Land and Business Agents Regulations (SL No. 4, 1984)***

Notified	14 March 1984
Commenced	14 March 1984

***Statute Law Revision Act 1991 (Act No. 31, 1991)***

Assent date	25 June 1991
Commenced	25 June 1991

***Amendments of the Land and Business Agents Regulations (SL No. 36, 1991)***

Notified	10 July 1991
Commenced	1 January 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1990</i> (Act No. 44, 1990) and <i>Gaz G44</i> , 6 November 1991, p 3)

***Amendments of Land and Business Agents Regulations (SL No. 41, 1992)***

Notified	5 August 1992
Commenced	10 August 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1991</i> (Act No. 79, 1991) and <i>Gaz S43</i> , 5 August 1992)

---

**Amendments of Agents Licensing Regulations (SL No. 69, 1992)**

Notified	9 December 1992
Commenced	1 February 1993 (r 1, s 2 <i>Land and Business Agents Amendment Act 1992</i> (Act No. 33, 1992) and <i>Gaz G49</i> , 9 December 1992, p 7)

**Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)**

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 <i>Local Government Act 1993</i> (Act No. 83, 1993) and <i>Gaz S35</i> , 20 May 1994)

**Amendments of Agents Licensing Regulations (SL No. 61, 1996)**

Notified	19 December 1996
Commenced	19 December 1996

**Northern Territory Employment and Training Authority (Consequential Amendments) Act 1999 (Act No. 52, 1999)**

Assent date	30 November 1999
Commenced	30 November 1999

**Amendments of Agents Licensing Regulations (SL No. 53, 2000)**

Notified	15 November 2000
Commenced	15 November 2000

**Amendment of Agents Licensing Regulations (SL No. 1, 2002)**

Notified	10 April 2002
Commenced	10 April 2002

**Statute Law Revision Act 2002 (Act No. 18, 2002)**

Assent date	7 June 2002
Commenced	7 June 2002

**Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)**

Assent date	13 September 2002
Commenced	30 October 2002 ( <i>Gaz G43</i> , 30 October 2002, p 3)

**Northern Territory Employment and Training Authority (Consequential Amendments) Act 2002 (Act No. 47, 2002)**

Assent date	13 September 2002
Commenced	6 November 2002 (s 2, s 2 <i>Northern Territory Employment and Training Authority Amendment Act 2002</i> (Act No. 46, 2002) and <i>Gaz G44</i> , 6 November 2002, p 2)

**Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)**

Assent date	7 January 2004
Commenced	17 March 2004 ( <i>Gaz G11</i> , 17 March 2004, p 8)

**Amendment of Agents Licensing Regulations (SL No. 6, 2005)**

Notified	23 March 2005
Commenced	23 March 2005

**Statute Law Revision Act 2005 (Act No. 44, 2005)**

Assent date	14 December 2005
Commenced	14 December 2005

---

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date 17 May 2007  
 Commenced s 10: 1 July 2007; rem: 17 May 2007 (*Gaz G26*,  
 27 June 2007, p 3)

***Agents Licensing Amendment Regulations 2007 (SL No. 31, 2007)***

Notified 26 September 2007  
 Commenced 26 September 2007

***Statute Law Revision Act 2008 (Act No. 6, 2008)***

Assent date 11 March 2008  
 Commenced 11 March 2008

***Revenue Law Reform (Budget Initiatives) Act 2008 (Act No. 23, 2008)***

Assent date 30 June 2008  
 Commenced pt 1, ss 3, 12(1), 18 and 19: 1 January 2008;  
 ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

***Unit Title Schemes Act 2009 (Act No. 14, 2009)***

Assent date 26 May 2009  
 Commenced pt 2.3, div 3, sdv 4 and s 135 (to ext ins s 54C):  
 1 January 2010; s 111: 1 July 2010; rem: 1 July 2009 (s 2,  
*Gaz S30*, 26 June 2009, p 1, s 2 *Land Title and Related  
 Legislation Amendment Act 2008 (Act No. 3, 2008)* and *Gaz  
 S30*, 26 June 2009, p 1)

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified 14 December 2009  
 Commenced 1 January 2010 (r 2)

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date 18 November 2010  
 Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations  
 Act 2010 (Act No. 39, 2010)* and *Gaz G7*, 16 February 2011,  
 p 4)

***Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010 (Act No. 41, 2010)***

Assent date 8 December 2010  
 Commenced 1 January 2011 (*Gaz S71*, 20 December 2010)

***Business Names (National Uniform Legislation Act 2012 (Act No. 8, 2012)***

Assent date 27 April 2012  
 Commenced pts 3 and 4: 28 May 2012 (proclamation F2012L00891:  
 19 April 2012); rem: 27 April 2012 (s 2)

***Health Practitioner (National Uniform Legislation) Implementation Act 2012 (Act No. 17, 2012)***

Assent date 22 May 2012  
 Commenced 1 July 2012 (s 2)

***Agents Licensing Amendment Regulations 2013 (SL No. 30, 2013)***

Notified 1 August 2013  
 Commenced 1 August 2013

---

**Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)**

Assent date 6 April 2016  
 Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and Gaz S34, 29 April 2016)

**Red Tape Reduction (Miscellaneous Amendments) Act 2016 (Act No. 12, 2016)**

Assent date 10 May 2016  
 Commenced 1 July 2016 (Gaz G26, 29 June 2016, p 2)

**Agents Licensing Amendment Regulations 2016 (SL No. 37, 2016)**

Notified 2 August 2016  
 Commenced 2 August 2016

**Supreme Court Amendment (Associate Judges) Act 2017 (Act No. 18, 2017)**

Assent date 5 September 2017  
 Commenced 22 November 2017 (Gaz S84, 21 November 2017, p 1)

**Agents Licensing Amendment Regulations 2019 (SL No. 24, 2019)**

Notified 25 September 2019  
 Commenced 25 September 2019

**Statute Law Revision and Repeals Act 2019 (Act No. 33, 2019)**

Assent date 6 November 2019  
 Commenced pts 2 and 3: 11 December 2019 (Gaz G50, 11 December 2019, p 2); rem: 7 November 2019 (s 2)

**Statute Law Amendment (Territory Economic Reconstruction) Act 2022 (Act No. 5, 2022)**

Assent date 14 April 2022  
 Commenced pt 7: nc; rem: 25 May 2022 (Gaz G21, 2022, p 1)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

r 13 *Amendments of Agents Licensing Regulations* (SL No. 69, 1992)

**4 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 17, 24A and 27 and sch 1.

**5 LIST OF AMENDMENTS**

r 1 sub No. 41, 1992, r 3  
 r 3 amd No. 69, 1992, r 3  
 sub No. 31, 2007, r 3  
 amd Act No. 8, 2012, s 30; Act No. 12, 2016, s 32; No. 24, 2019, r 4  
 pt II  
 div 1 hdg amd No. 53, 2000, r 1  
 rep Act No. 5, 2022, s 31  
 r 4 amd No. 41, 1992, r 11  
 rep No. 53, 2000, r 2

## ENDNOTES

---

r 5	amd No. 53, 2000, r 3 rep Act No. 5, 2022, s 31
pt II	
div 2 hdg	sub No. 31, 2007, r 4
r 6	amd No. 41, 1992, r 11; No. 53, 2000, r 4 sub No. 31, 2007, r 4 amd Act No. 12, 2016, s 33
r 6A	ins No. 41, 1992, r 4 amd No. 69, 1992, r 4 rep No. 31, 2007, r 4
r 7	rep No. 53, 2000, r 5 ins No. 31, 2007, r 4 rep Act No. 5, 2022, s 31
r 8	sub No. 53, 2000, r 5; No. 31, 2007, r 4 amd Act No. 12, 2016, s 34; Act No. 5, 2022, s 32
pt II	
div 3 hdg	sub No. 31, 2007, r 4 rep Act No. 5, 2022, s 33
r 9	amd No. 25, 1980; No. 41, 1992, rr 5 and 11; No. 61, 1996, r 2; Act No. 52, 1999, s 5 sub No. 31, 2007, r 4 rep No. 24, 2019, r 5
rr 9A – 9C	ins No. 61, 1996, r 3 rep No. 31, 2007, r 4
r 10	amd No. 41, 1992, r 11; No. 61, 1996, r 4 sub No. 31, 2007, r 4; No. 24, 2019, r 5 rep Act No. 5, 2022, s 33
rr 10AA – 10AB	ins No. 61, 1996, r 6 rep No. 31, 2007, r 4
r 10AC	ins No. 61, 1996, r 6 amd Act No. 47, 2002, s 6 rep No. 31, 2007, r 4
pt II	
div 3A hdg	ins No. 36, 1991, r 3 rep No. 31, 2007, r 4
r 10A	ins No. 36, 1991, r 3 amd No. 1, 2002 rep No. 31, 2007, r 4
pt II	
div 4 hdg	rep Act No. 5, 2022, s 33
r 11	amd No. 41, 1992, r 11 rep Act No. 5, 2022, s 33
r 12	amd No. 69, 1992, r 5 rep Act No. 5, 2022, s 33
r 14	amd No. 69, 1992, r 6; No. 31, 2007, rr 5 and 20
r 15	amd No. 31, 2007, r 6
r 16	amd No. 31, 2007, r 20
r 16A	amd No. 36, 1991, r 4
pt IIIA hdg	ins No. 36, 1991, r 5 sub No. 31, 2007, r 7
r 16B	ins No. 36, 1991, r 5 sub No. 31, 2007, r 7
r 16C	ins No. 36, 1991, r 5 amd No. 69, 1992, r 7 rep No. 31, 2007, r 7
r 16D	ins No. 36, 1991, r 5 rep No. 31, 2007, r 7

## ENDNOTES

---

r 17	amd No. 53, 2000, r 6; Act No. 1, 2004, s 63; Act No. 44, 2005, s 35; Act No. 7, 2007, s 16; No. 31, 2007, r 8; Act No. 40, 2010, s 202; Act No. 17, 2012, s 55; Act No. 8, 2016, s 45; Act No. 18, 2017, s 36
r 17A	ins No. 31, 2007, r 9
r 18	amd No. 69, 1992, r 8; No. 31, 2007, r 10
r 20	amd No. 41, 1992, r 11 sub No. 31, 2007, r 11 amd Act No. 6, 2008, s 4
r 21	sub No. 31, 2007, r 11 amd Act No. 6, 2008, s 4
r 22	sub No. 31, 2007, r 11 amd Act No. 8, 2012, s 30
r 22A	ins Act No. 68, 1983, s 140 amd No. 69, 1992, r 9; No. 31, 2007, r 20
r 24	sub No. 69, 1992, r 10 amd No. 31, 2007, r 20 rep Act No. 5, 2022, s 33
r 24A	ins No. 6, 2005 amd Act No. 7, 2007, s 16; Act No. 41, 2010, s 30
r 25	rep Act No. 31, 1991, s 15 ins No. 41, 1992, r 6 amd Act No. 33, 2019, s 21
pt V hdg	ins No. 31, 2007, r 12
rr 26 – 30	ins No. 31, 2007, r 12
sch 1	amd No. 41, 1992, rr 7 and 11; No. 69, 1992, r 11; Act No. 84, 1993, s 6; No. 53, 2000, r 7; No. 31, 2007, rr 13 and 20; Act No. 23, 2008, s 21; Act No. 14, 2009, s 180 rep Act No. 5, 2022, s 33
sch 2	amd No. 4, 1984 sub No. 36, 1991, r 6 amd No. 41, 1992, r 8 sub No. 69, 1992, r 12; No. 31, 2007, r 14; No. 34, 2009, r 4 amd No. 30, 2013, r 3 sub Act No. 12, 2016, s 35 amd No. 37, 2016, r 3; No. 24, 2019, r 6
sch 3	ins No. 36, 1991, r 7 amd No. 41, 1992, rr 9 and 11; Act No. 38, 2002, s 7; Act No. 14, 2009, s 181
sch 4	ins No. 41, 1992, r 10 amd Act No. 18, 2002, s 7; Act No. 33, 2019, s 22
sch 4A	ins No. 31, 2007, r 15 rep No. 24, 2019, r 7
sch 4B	ins No. 31, 2007, r 15 amd Act No. 23, 2008, s 21 rep No. 24, 2019, r 7
sch 5	ins No. 61, 1996, r 6 amd No. 31, 2007, r 16; Act No. 23, 2008, s 21; Act No. 14, 2009, s 182 rep No. 24, 2019, r 7
sch 6	ins No. 61, 1996, r 6 rep No. 31, 2007, r 17
sch 7	ins No. 61, 1996, r 6 sub No. 31, 2007, r 18; No. 24, 2019, r 7 rep Act No. 5, 2022, s 33
ssch 8	ins No. 31, 2007, r 19